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Filing date: **10/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85359755
Applicant	Lifestyle Productions, Inc.
Applied for Mark	G-H-3 PLUS
Correspondence Address	SANFORD ASTOR BROOKS KUSHMAN PC 601 S FIGUEROA ST STE 2080 LOS ANGELES, CA 90017 UNITED STATES sastor@brookskushman.com
Submission	Appeal Brief
Attachments	Lifestyle Productions G-H-3 PLUS Appeal Brief.pdf (26 pages)(663524 bytes)
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Filer's e-mail	sastor@brookskushman.com, trademarks@brookskushman.com
Signature	/sanford astor/
Date	10/05/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Lifestyle Productions, Inc.

Mark: **G-H-3 PLUS**

Serial No.: 85/359,755

Filed: June 29, 2011

Class: 003 and 005

Examining Atty: Helene Liwinski

Attorney Ref.: LFPI0101TUS

APPLICANT'S APPEAL BRIEF

Commissioner for Trademarks
Alexandria, VA 22313-1451

Sir:

Applicant, Lifestyle Productions, Inc. submits this Appeal Brief in view of the Examining Attorney's Final Refusal of the present application.

INTRODUCTION

This is an appeal to the Trademark Trial and Appeal Board from the February 8, 2012 final refusal. The Examining Attorney refuses registration of the subject mark, asserting that the applied-for-mark consists of or includes deceptive matter in relation to the identified goods.

This application is for registration of the trademark "G-H-3 PLUS" in Classes 003 and 005. Applicant hereby withdraws its application in Class 005, asking only for registration in Class 003, as follows: Cosmetics, namely, daytime skin creams, night creams, eye creams, anti-wrinkle cream, exfoliating skin creams, massage creams, hand creams, eye gel, skin cleansing preparations, skin moisturizers, beauty masks, skin toning lotions, skin soaps, hair shampoos, hair conditioners, makeup, lipsticks perfumes, colognes.

RELEVANT PROSECUTION HISTORY

Applicant, under a previous corporation, Francois' Productions of Beverly Hills, previously registered this exact same trademark on October 17, 2000, Registration Number 2,396,133 (copy attached as Exhibit 1). Ownership was later transferred to Lifestyle Productions, Inc., both entities owned by Francois Vautour. The date of first use in commerce was January 17,

2000 for Class 003. The description of goods in the prior registration is exactly the same as in the present application. The earlier registration was cancelled due to Applicant's inadvertent failure to renew the registration. A new application, which is the subject of this Appeal, was filed on June 29, 2011. A Request was made to advance initial examination of this application out of its regular order because the mark in the application was the subject of an inadvertently cancelled or expired previous registration number 2,396,133. The mark in the new application was identical to the mark in the cancelled or expired registration, the goods in the new application were identical to the goods in the cancelled or expired registration and the owner of the prior registration is the same as the owner of the new application. The request for special handling was granted on July 29, 2011.

For the reasons set forth below, Applicant respectfully requests that the Board reverse the Examining Attorney's refusal to register the mark of the subject application and pass the application to publication.

ARGUMENT

Applicant's Mark Is Not Deceptive

The Examining Attorney alleges that "G-H-3, which is a part of Applicant's mark, indicates that the goods contain Gerovital-3 or procaine. The Examiner has no basis to make such an allegation, which is strictly speculative. Procaine is a substance that is legally used by physicians to treat patients. Applicant's cosmetic products, and many other vitamin and mineral supplement products sold by other companies for many years, have used the term G-H-3 as a part of their product name, and they contain no procaine and are purely cosmetics, vitamins and/or supplements.

The Examiner cited *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1353, 1356, 90 USPQ2d 1489, 1492-93, 1495 (Fed. Cir. 2009) and states that it holds that the test for materiality incorporates a requirement that, “a significant portion of the relevant consumers be deceived”. Yet the Examiner has no data to show that it is the case here. The Examiner found advertisements for the sale of products that do contain procaine, most all of which have “Gerovital” as a part of their name, and from that, speculates that Applicant’s products are purposely deceptive under 15 U.S.C 1052 § 2(a). In fact, the public is not deceived, due to the years of products being sold which contain the word “Gerovital” in the name, indicating the presence of procaine and if Gerovital” is not in the name, the product it does not contain procaine.

The references cited by the examining attorney and attached to the office actions are clear proof that the examining attorney's proposition is inaccurate. The article attached from Wikipedia, cited by the examining attorney in her October 13, 2011 office action, is hardly a reliable source of the issues involved in this trademark registration. However, please note that even Wikipedia states that, "In the United States, the FDA bans Gerovital H-3 from interstate commerce as an unapproved drug". Even the FDA states that the name of the product containing procaine contains the word Gerovital. There are 26 pages attached to the examining attorney’s February 8, 2012 office action but those comprise only 6 separate web sites.

The “Ageless” article cited as Attachment 1 of the examining attorney’s February 8, 2012 office action, which purports to be one person’s history of Professor Ana Aslan, also states that the term is “Gerovital H3 (short title GH3)” but the actual use in commerce is Gerovital. Procaine, in the United States, is legally used by physicians to treat their patients, but has nothing to do with cosmetic products.

Attachment 2 of the office action is a web site page of Achilles Natural Health Mart Company offering “Gerovital H3 (GH3) Procaine HCL Injectable”. The web site also refers to “Ultimate 9, a third generation procaine based formula”.

Attachment 3 of the office action is a web site of “Millennium Health real gerovital”. The pages refer to “Gerovital H3” and its use by Gerontologists.

Attachment 4 of the office action is a web site of “Gerovital.com”. The web site shows a bottle which clearly includes the word "Gerovital" with GH3 underneath it.

Attachment 5 of the office action are pages of www.accessdata.fda.gov/cms and refers to “Gerovital (KH3 – GH3, Etc.)” and states that “Gerovital (KH3) which generally consists of some form of procaine HCL ---“. It further lists various foreign countries from which companies may ship Gerovital into the U.S.

Attachment 6 of the office action is a web site of Tierra Mega Nutrient's International, for a product which they call GH3 Wrinkle Cream, but they state that it consists of the original Romanian Formula, Gervital H-3 as an ingredient.

On the other hand, and as stated by the Applicant, there are GH3 products being sold in the United States which do not have the word "Gerovital" as part of the name of the product and those products have no procaine present in the product. Attached as Exhibits to Applicant's January 6, 2012 response to the first Trademark Office action are a number of web sites that show products in which “GH3” are a part of the name of the product, which have no procaine as an ingredient and do not use the word “Gerovital”.

Attached hereto as Exhibit 2 is a web site page for a product sold by Garda Vita, formerly VitaStrong, which is named "G.H.3.", is sold in the United States and it contains no procaine. It contains only vitamins and minerals.

Attached as Exhibit 3 is a web site page of another product from The Rainbow's End Health Supplements called "GH3 Maxum". It contains vitamins and minerals but no procaine.

Attached as Exhibit 4 are U.S. Trademark Office information pages for a registered product called GH3X, Registration No. 2,056,899, in Class 005, for food supplements, medicated skin care preparations, dandruff shampoo and analgesic balms. The products had no procaine and had been sold in commerce in the United States since 1993. The registration was cancelled in 2008 for failure to renew.

In addition, Applicant has been continuously selling these cosmetic products, since the year 2000, in class 003, under the name G-H-3 PLUS, which was registered for 10 years and inadvertently not renewed, and none of his products have ever contained procaine. The difference between the two product names, Gerovital (with procaine) and G-H-3 PLUS without Gerovital (without procaine) is clear and has been so used, as shown, in commerce in the United States for many years.

Thus, it is clear that virtually all products which contain procaine contain the name Gerovital as part of the name of the product and its listed ingredients and those products which have GH3 as part of the name, but do not have Gerovital in the product name, do not contain procaine and the public is well aware of the difference and has been for many years.

Attached hereto as Exhibit 5 is a copy of a declaration by Mr. Francois Vautour, the owner of applicant corporation, Lifestyle Productions, Inc, which was previously filed as part of Applicant's January 6, 2012 response to an office action, in which he confirms that in over 10 years that he has continuously sold the G-H-3 PLUS products, no customer has ever inquired as to whether the products contained procaine. The customers know they are buying cosmetic products. A supplemental declaration of Francois Vautour, Exhibit 6, is also attached hereto stating that in the over 10 years he has been continuously selling his cosmetic products, the G-H-3 PLUS trademark has become distinctive of the Applicant's goods in commerce.

Except as expressly excluded in subsections set forth in 15 U.S.C. 1502 § 2(f) nothing herein shall prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods in commerce. The Director may accept as prima facie evidence that the mark has become distinctive as used on or in connection with the applicant's goods in commerce, proof of substantially exclusive and continuous use thereof as a mark by the Applicant in commerce for the five years before the date on which the claim of distinctiveness is made. The Applicant's owner, Francois Vautour's, previously filed Declaration (Exhibit 5) states that he has been in the business of selling the products set forth in Class 003 for over 10 years, and this has been his livelihood for all of that time period. He goes on to say that all of his products carried the trademark G-H-3 PLUS and none of the products contained any procaine. He also stated that in all the years he has been selling his products, no customer has ever inquired as to whether the products contained procaine. The supplemental declaration of Francois Vautour (Exhibit 6) filed herewith confirms the 10 years of exclusive and continuous use of the mark for the listed goods and that the G-H-3 PLUS trademark has become distinctive as used on or in connection with the Class 003 goods in commerce based on Applicant's exclusive and continuous

use thereof as a mark in commerce for the last 10 years.

The G-H-3 PLUS trademark has become distinctive as used on or in connection with the Class 003 goods in commerce based upon Applicant's exclusive and continuous use thereof as a mark in commerce for the last 10 years.

Conclusion

In view of the above, Applicant respectfully requests that the Board reverse the refusal of the present application and pass the same to publication.

Respectfully submitted,

Lifestyle Productions, Inc.

By /sanford astor/
Sanford Astor
Attorney for Applicant

Date: October 5, 2012

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1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: (213) 622-3003
Fax: (213) 622-3053

Int. Cls.: 3 and 5

Prior U.S. Cls.: 1, 4, 6, 18, 44, 46, 50, 51, and 52

Reg. No. 2,396,133

United States Patent and Trademark Office

Registered Oct. 17, 2000

**TRADEMARK
PRINCIPAL REGISTER**

G-H-3 PLUS

FRANCOIS' PRODUCTIONS OF BEVERLY HILLS,
CA 90210, INC. (CALIFORNIA CORPORATION)
506 N. ROXBURY DR.
BEVERLY HILLS, CA 90210 BY CHANGE OF NAME
GEROVITAL, INC. (CALIFORNIA CORPORATION)
BEVERLY HILLS, CA 90210

FOR: COSMETICS, NAMELY, DAYTIME SKIN
CREAMS, NIGHT CREAMS, EYE CREAMS, ANTI-
WRINKLE CREAM, EXFOLIATING SKIN CREAMS,
MASSAGE CREAMS, HAND CREAMS, EYE GEL,
SKIN CLEANSING PREPARATIONS, SKIN MOIS-
TURIZERS, BEAUTY MASKS, SKIN TONING LO-
TIONS, SKIN SOAPS, HAIR SHAMPOOS, HAIR CON-
DITIONERS, MAKEUP, LIPSTICKS, PERFUMES, CO-
LOGNES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51
AND 52).

FIRST USE 1-17-2000; IN COMMERCE 1-17-2000.

FOR: PHARMACEUTICAL PREPARATIONS FOR
THE TREATMENT OF INSOMNIA, FATIGUE, REJU-
VENATION OF CELLS, ARTHRITIS, RHEUMATISM,
IMPOTENCE, VITAMIN AND MINERAL SUPPLE-
MENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51
AND 52).

FIRST USE 2-20-2000; IN COMMERCE 2-20-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "G-H-3", APART FROM THE MARK AS
SHOWN.

SN 75-240,248, FILED 2-11-1997.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Formerly VitaStrong

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• [GardaVita Magazine](#)**REVIEW THIS PRODUCT**

Prevent premature aging and feel the invigorating power of youth with the renowned G.H.3 antiaging vitality formula. Now you can enhance your mood, hone your thinking and support a healthy heart.

Features

- Over 3 million bottles sold
- Offer you 19 premier antiaging vitality nutrients for mind and body

Benefits:

- Enhance your mood, hone your thinking and support a healthy heart with this renowned antiaging vitality formula
- DMAE is a precursor to choline and acetylcholine. It is the choline inside cells that is converted to phosphatidylcholine, used in the building and repair of cell membranes, especially in the brain.
- Feel the invigorating power of youth and prevent premature aging

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Contents: 60 Tablets

DOCTOR RECOMMENDED

"I recommend GH3 to anyone wishing to boost their overall vitality and well-being. I've experienced its rejuvenating effects firsthand."

- Dr. Bob Delmonteque
America's number-one fitness consultant for the mature set



Package	List Price	Our Price	You Save	
AUTOSHIP PROGRAM Save \$10 Plus Free Shipping Click here for more details	\$29.95	\$19.95	\$10.00 (33%)	ADD
1-Month Supply	\$29.95	\$29.95	\$0.00 (0%)	ADD
2-Month Supply	\$59.90	\$54.95	\$4.95 (8%)	ADD
4-Month Supply	\$119.80	\$99.95	\$19.85 (17%)	ADD
6-Month Supply	\$179.70	\$119.95	\$59.75 (33%)	ADD

Details	Supplement Facts	Testimonials	Reviews
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Vitality Formula to Prevent Premature Aging

How can you put vitality back into your life? With G.H.3, the renowned antiaging vitality formula, G.H.3 offers you 19 premier antiaging vitality nutrients that have been studied by some of the most prestigious



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research universities in the U.S. and Europe, including *Ginkgo biloba*, *Hypericum perforatum*, the vital amino acids PABA and DMAE, glutathione, pyridoxine and other key nutrients that help prevent premature aging. Now you can enhance your mood, hone your thinking and support a healthy heart with G.H.3. It's perfect for both men and women!

Feel the invigorating power of youth, with G.H.3 antiaging vitality formula.

DMAE (dimethylaminoethanol): a precursor to choline and acetylcholine. Choline is converted to phosphatidylcholine in the brain that helps repair cell membranes and supports neuro health.

PABA (para-aminobenzoic acid): enhances this vitality formula by aiding blood cell formation, metabolizing proteins and providing antioxidant protection to help prevent premature aging.

***Ginkgo biloba*:** contains antioxidant compounds called flavonoids and terpenoids which have been found to be potent antioxidants that help prevent premature aging.

L-glutathione: can be found in the watery interior of the body's cells where it helps protect the DNA from oxidation to prevent premature aging of cells.

St. John's Wort (*Hypericum perforatum*) an antiaging herb that has been studied time and again for its marked ability to support a positive mood.

Folic acid, B12 and B6: help the body rid itself of a metabolic byproduct called homocysteine, which has been associated with cardiovascular challenges.

Niacin: helps reduce cholesterol.

Riboflavin: increases energy levels and boosts the immune system. Riboflavin also helps prevent premature aging by maintaining healthy hair, skin and nails.

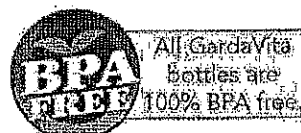
Calcium: has been added to this antiaging vitality formula to help maintain the balance of bone construction and resorption.

Magnesium: aids nerve and muscle function, supports the immune system and helps maintain proper

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.



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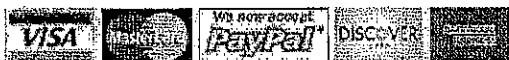
These statements have not been evaluated by the Food and Drug Administration. These products are not intended to diagnose, treat, cure, or prevent any disease.

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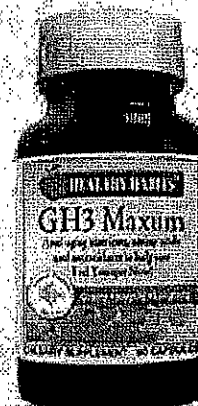
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You've often heard the old adage "It's not how old you are but how you feel". Through natural nutrition everyone possesses the ability to feel better, look younger, have more stamina and feel more energetic regardless of your age. Your physical carriage will improve and you will feel like you own the world. Proper nutrition will prove to be the greatest anti-aging remedy and will take years off your appearance and add years to your life and unspeakable levels of confidence. You'll find that you've never been happier. GH3-Maxum is a natural version of the time tested world-renowned Gerovital H3 (GH3). GH3 has been scientifically proven to slow the premature aging process.



GH3 helps balance the circulatory, endocrine and nervous systems while enhancing your mood and promoting healthy brain function

GH3-Maxum can reverse the underlying causes of premature aging. You will feel and see the difference - Guaranteed! GH3 is extremely popular among the older generations. For many years anti-aging products were available only to the very rich. In recent years however some of these anti-aging giants have become available in capsule or tablet form which reduces the price by a huge amount. The GH3 therapy, which is now available in tablet form as GH3 Maxum by Healthy Habits, is now affordable for those people who want to look and feel young and healthy during their middle age and senior years.

Recommended usage: 3
capsules daily

90 capsules per bottle

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Dietary supplements are not to be used to prevent or treat or cure any disease. The Statements in this website have not been evaluated by the FDA. Any information provided on this web site is not a substitute for the advice of a licensed medical practitioner. Individuals are advised not to self-medicate in the presence of significant illness. The ingredients contained in supplements do not contain drugs. We do not advise administration of supplements to infants or children and supplements should never be taken during pregnancy without professional advice.

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Typed Drawing

Word Mark	GH3X
Goods and Services	(CANCELLED) IC 005. US 006 018 044 046 051 052. G & S: food supplements, medicated skin care preparations, dandruff shampoo and analgesic balms. FIRST USE: 19930301. FIRST USE IN COMMERCE: 19930301
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75019794
Filing Date	November 6, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 4, 1997
Registration Number	2056899
Registration Date	April 29, 1997
Owner	(REGISTRANT) Martin Health Systems, Inc. CORPORATION ARIZONA 7104 E. Dreyfus Ave. Scottsdale ARIZONA 85254
	(LAST LISTED OWNER) HEALTHWATCHERS (DE), INC. CORPORATION BY ASSIGNMENT DELAWARE 90 ORVILLE DRIVE BOHEMIA NEW YORK 11716
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lee Grosskreuz Hechtel, Harold D. Jones
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	DEAD

Cancellation
Date February 2, 2008

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This page was generated by the TARR system on 2011-12-13 19:49:32 ET

Serial Number: 75019794 Assignment Information Trademark Document Retrieval

Registration Number: 2056899

Mark (words only): GH3X

Standard Character claim: No

Current Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2008-02-02

Filing Date: 1995-11-06

Transformed into a National Application: No

Registration Date: 1997-04-29

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-12-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HEALTHWATCHERS (DE), INC.

Address:

HEALTHWATCHERS (DE), INC.

90 ORVILLE DRIVE

BOHEMIA, NY 11716

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 005

Class Status: Section 8 - Cancelled

food supplements, medicated skin care preparations, dandruff shampoo and analgesic balms

Basis: 1(a)

First Use Date: 1993-03-01

First Use in Commerce Date: 1993-03-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-02 - Canceled Section 8 (10-year)/Expired Section 9

2006-12-15 - Case File In TIGRS

2006-10-07 - Attorney Revoked And/Or Appointed

2006-10-07 - TEAS Revoke/Appoint Attorney Received

2003-07-12 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-04-21 - Section 8 (6-year) and Section 15 Filed

2003-04-21 - TEAS Section 8 & 15 Received

1997-04-29 - Registered - Principal Register

1997-02-04 - Published for opposition

1997-01-04 - Notice of publication

1996-12-12 - Approved for Pub - Principal Register (Initial exam)

1996-06-28 - Communication received from applicant

1996-04-29 - Non-final action mailed

1996-04-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lee Grosskreuz Hechtel, Harold D. Jones

Correspondent

Lee Grosskreuz Hechtel, Harold D. Jones

Jaspan Schlesinger Hoffman LLP

300 Garden City Plaza

Garden City NY 11530

Phone Number: 516-746-8000

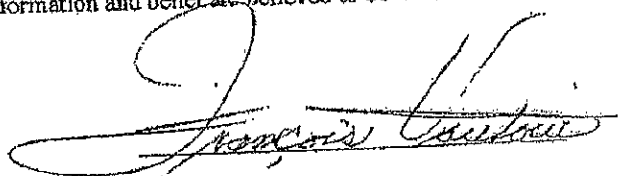
Fax Number: 516-393-8282

DECLARATION OF FRANCOIS VAUTOUR

I, Francois Vautour, hereby state as follows:

I am the owner of applicant corporation Lifestyle Productions, Inc. I have been in the business of selling the products set forth in Class 3 and Class 5 of this registration application for over 10 years, and this has been my livelihood for all of that time period. All of the products carried the trademark G-H-3 PLUS and none of the products contained any procaine. In all the many years that I have sold the G-H-3 PLUS products, no customer has ever inquired as to whether the products contain procaine. The customers know they are buying vitamin and mineral supplement products.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

A handwritten signature in dark ink, appearing to read 'Francois Vautour', is written over a horizontal line.

Francois Vautour

LFPI0101TUS

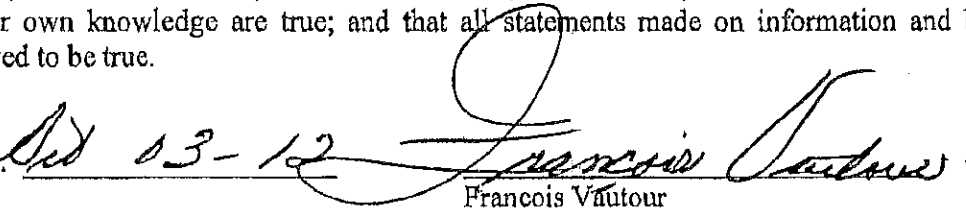
SUPPLEMENTAL DECLARATION OF FRANCOIS VAUTOUR

I, FRANCOIS VAUTOUR, hereby state as follows:

I am the owner of applicant corporation Lifestyle Productions, Inc. I, through Lifestyle Productions, Inc., have been continuously in the business of selling the products set forth in Class 003 of this registration application for over 10 years, and this has been my livelihood for all of that time period. All of the products carried the Trademark G-H-3 PLUS and none of the products contained any procaine. In all the many years that I have sold the G-H-3 PLUS products, no customer has ever inquired as to whether the products contained procaine.

The G-H-3 PLUS trademark has become distinctive as used on or in connection with the Class 003 goods in commerce based upon my exclusive and continuous use thereof as a mark in commerce for the last 10 years.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Dated: Oct 03-12
Francois Vautour

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